



**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
AIKEN DIVISION**

MALCOLM BRABHAM,  
Petitioner,

vs.

WARDEN OF BROAD RIVER  
CORRECTIONAL INSTITUTION,  
Respondent.

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Civil Action No. 1:21-00241-MGL

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**ORDER ADOPTING THE REPORT AND RECOMMENDATION,  
GRANTING RESPONDENT'S MOTION FOR SUMMARY JUDGMENT,  
AND DISMISSING PETITIONER'S PETITION WITH PREJUDICE**

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Petitioner Malcolm Brabham (Brabham), proceeding pro se, filed this petition for a writ of habeas corpus, pursuant to 28 U.S.C. § 2254, against Respondent Warden of Broad River Correctional Institution (Warden). The matter is before the Court for review of the Report and Recommendation (Report) of the United States Magistrate Judge suggesting Warden's motion for summary judgment be granted and Brabham's petition be dismissed with prejudice. The Report was made in accordance with 28 U.S.C. § 636 and Local Civil Rule 73.02 for the District of South Carolina.

The Magistrate Judge makes only a recommendation to the Court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with the Court. *Mathews v. Weber*, 423 U.S. 261, 270 (1976). The Court is charged with making a de novo determination of those portions of the Report to which a specific objection is made, and the Court

may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge or recommit the matter with instructions. 28 U.S.C. § 636(b)(1). The Court need not conduct a de novo review, however, “when a party makes general and conclusory objections that do not direct the court to a specific error in the [Magistrate Judge’s] proposed findings and recommendations.” *Orpiano v. Johnson*, 687 F.2d 44, 47 (4th Cir. 1982); *see* Fed. R. Civ. P. 72(b).

The Magistrate Judge filed the Report on August 11, 2021. The Clerk of Court docketed Brabham’s objections to the Report on September 13, 2021. The Court has reviewed the objections, but holds them to be without merit. It will therefore enter judgment accordingly.

Here, Brabham has wholly failed to bring any specific objections to the Report. Instead, he merely makes arguments the Magistrate Judge has already considered and rejected. Inasmuch as the Court agrees with the Magistrate Judge’s treatment of those issues, it need not repeat the discussion here. Consequently, because Brabham neglects to make any specific objections, and the Court has found no clear error, it need not make a de novo review of the record before overruling Brabham’s objections and accepting the Magistrate Judge’s recommendation.

After a thorough review of the Report and the record in this case pursuant to the standard set forth above, the Court overrules Brabham’s objections, adopts the Report, and incorporates it herein. Therefore, it is the judgment of the Court Warden’s motion for summary judgment is **GRANTED**, and Brabham’s petition is **DISMISSED WITH PREJUDICE**.

**IT IS SO ORDERED.**

Signed this 14th day of October 2021, in Columbia, South Carolina.

To the extent Brabham requests a certificate of appealability from this Court, that certificate is **DENIED**.

s/ Mary Geiger Lewis  
MARY GEIGER LEWIS  
UNITED STATES DISTRICT JUDGE

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**NOTICE OF RIGHT TO APPEAL**

The parties are hereby notified of the right to appeal this Order within thirty days from the date hereof, pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.